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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 30 AM 11:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan PEREZ-Monsivais,

Defendant

Magistrate Docket No.

'08 MJ 1992

YNR


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 27, 2008** within the Southern District of California, defendant, **Juan PEREZ-Monsivais**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **JUNE**,
2008.



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan PEREZ-Monsivais

PROBABLE CAUSE STATEMENT

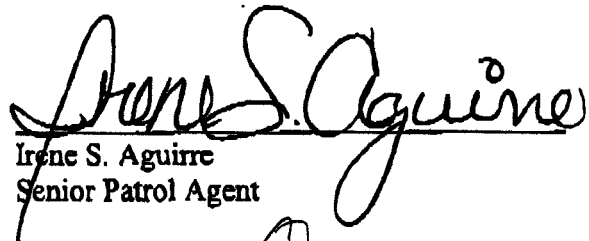
I declare under the penalty of perjury that the following statement is true and correct:

On June 27, 2008, Border Patrol Agent Michael J. Owens was performing assigned duties in the Campo Border Patrol Station area of responsibility. Agent Owens was advised of the activation of a sensor in "Little Valley." This area is located approximately 20 miles east of the Tecate, California Port of Entry and approximately 3 miles north of the United States/Mexico International Boundary. Agent Owens responded to the area. After a search of the area Agent Owens encountered seven individuals, including one later identified as the defendant, **Juan PEREZ-Monsivais** attempting to conceal themselves in the surrounding brush. Agent Owens identified himself as a United States Border Patrol Agent. Each person including the defendant stated that they were citizens of Mexico without any documentation that would allow them to be in or remain legally in the United States. Suddenly, the defendant and the other undocumented aliens stood up and began to run in different directions away from Agent Owens. Undocumented aliens routinely run away from Border Patrol Agents in an attempt to elude apprehension. Agent Owens caught up with the defendant. At approximately 11:15 am, Agent Owens placed the defendant under arrest and transported him to the Pine Valley station for further processing.

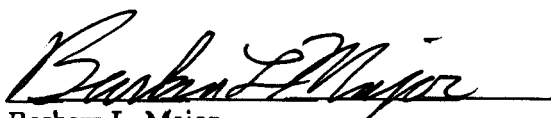
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about June 17, 2008. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally

Executed on June 29, 2008 at 09:30 a.m.


 Irene S. Aguirre
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 27, 2008, in violation of Title 8, United States Code, Section 1326.


 Barbara L. Major
 United States Magistrate Judge

6/28/08 at 9:40AM
 Date/Time